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FROM: Jason S. Feldmar
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Applicant:	Jacobo Bibliowicz et al.
Serial No.:	09/982,224
Filed:	October 18, 2001
Group Art Unit:	2173
Title:	COLLABORATION FRAMEWORK
Our Ref. No.:	G&C 30566.198-US-01


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MAIL STOP APPEAL BRIEF - PATENTS

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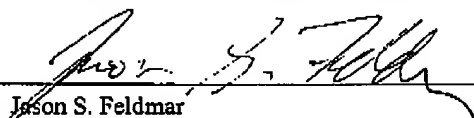
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APR 10 2006

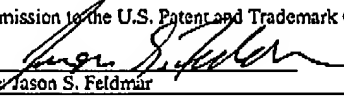
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Due Date: April 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Inventor: Jacobo Bibliowicz et al.)	Examiner: Dennis G. Bonshock
)	
Serial #: 09/982,224)	Group Art Unit: 2173
)	
Filed: October 18, 2001)	Appeal No.: _____
)	
Title: <u>COLLABORATION FRAMEWORK</u>)	

REPLY BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §41.41, Appellants hereby submit their Reply Brief on Appeal from the final rejection of claims 1-7, 9-16, 18-26, 28-35, 37-45, 47-54, and 56-57 of the above-identified application, as set forth in the Office Action mailed January 13, 2005.

No fee is required for filing this Reply Brief. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account Number 50-0494 of Gates & Cooper LLP.

I. ARGUMENTS

A. Independent Claims 1, 20, and 39

In response to the arguments set forth in the Appeal Brief, the Answer first merely repeats the prior rejections. The Answer then provides:

The examiner respectfully contends that Brown teaches simultaneous multi-user editing of a document stored on a server (see column 2, lines 46-65). If the users are editing a document stored on a server the document available of another user to edit is being simultaneously edited by another user. Kumar supplements this teaching of dynamic editing, and is relied upon for teaching the use in a drawing collaboration system. Kumar teaches a system of collaborating with a group of users on a project (see column 3, lines 33-51) in a real time environment (see column 3, lines 39-51), and the data in the shared workspace being a drawing document (see column 3, lines 39-51).

Appellants respectfully traverse such assertions. Firstly, if users are editing a document stored on a server wherein the document is available for simultaneous editing by another user is not what is provided by Brown and is not what the claims provide. As set forth in the Appeal Brief, multiple copies of documents are used in Brown and later synchronized together. Col. 2, lines 46-65 of Brown fully supports and describes such a teaching of Brown:

The present invention satisfies the above-described needs by providing a system and method for simultaneous, multi-user editing of a document that is saved on a shared disk on a network. In one aspect of the present invention, the system and method of the present invention create a multi-user control file (MCF) that acts as sort of a traffic cop to perform the tracking functions of all the various versions of the master copy of the document that are being edited by the plurality of users. Through tracking the various versions of the document, the MCF coordinates the synchronization of the various versions of the document during the reconciliation process that is performed when a local copy of the document is being saved and is not yet up to date with the master copy of the document on the shared server. In addition, the multi-user control file controls timing issues related to the reconciliation procedure, conflict resolution, and the sequential order of events which take place during the various saving actions by the plurality of users.

As can be seen by the above text, multiple local copies of the documents are maintained and the MCF tracks the various versions and reconciles the various documents. In this regard, when a local copy of the document is saved and is not yet up to date with a master copy of the document on the shared server, the MCF coordinates the synchronization. Thus, unlike the present claims, multiple copies of the document are being used and coordinated in Brown.

In addition, the claims are very unique in their terms. First, a server establishes a collaboration session. During the collaboration session, the claims explicitly provide that the server permits two or more collaborators to view and work simultaneously across the network on the

drawing document stored on the server. Secondly, the claims explicitly provide that each of the collaborators view, in real time, a modification to the drawing document made by another collaborator. Such claim limitations significantly distinguish Brown that merely provides for multiple users editing different versions of a document and then synchronizing the versions.

In addition, the claims as a whole must be examined. The claims as a whole enable the real time simultaneous work via heartbeat commands. Such commands or a real time environment are not even remotely hinted at by Brown.

With respect to the arguments in the Answer relating to Kumar, Appellants reassert the previously submitted arguments. Firstly, Kumar fails to teach the use of a server to maintain and store the drawing document during the collaboration as claimed. Secondly, Kumar fails to teach, describe, or suggest, implicitly or explicitly, the use of a heartbeat command that is transmitted at regular defined intervals as claimed. Instead, Kumar teaches the completion (i.e., fully processing) of a modification (and any update engendered by it). Once completed, a serialized modification is sent to a collaborator (see col. 6, lines 58-67). Thus, Kumar does not teach the claimed transmission of a regular command at a defined interval.

The Answer then continues and acknowledges that neither Brown nor Kumar teach the heartbeat commands as claimed. Instead, the Answer relies on Caronni. Appellants again reassert the previously submitted arguments. Namely, Caronni's heartbeat commands relate to a key distribution system and not the claimed limitation wherein the heartbeat command "comprises a command to modify the drawing document from a first one of the collaborators in the collaboration session". The quotations provided in the Answer merely support such an interpretation. The Answer provides:

The examiner respectfully contends that Caronni teaches in column 11, line 60 through column 12, line 25, and column 12, lines 40-52, and figures 4 and 8, a transmission of a heartbeat command where the heartbeat command comprises a key ID, a version information, and a revision information. This heartbeat command being transmitted in an attempt to keep a large number of sending and receiving participants up to date on the newest version of a distributed document, for use in systems such as "multimedia conference, computer-supported collaborative work, (and) distributed computing" systems (see column 1, lines 20-37 and column 6, line 66 through column 7, line 9).

As can be seen from the above assertions, Caronni's heartbeat command contains a key ID,

version information, and revision information. As described in Caronni, the key ID is a bit-value pair describing the key's location in a database (see col. 12, lines 15-17). In addition, the version and revision information are not related whatsoever to modifications as claimed. Such version and revision information are described in col. 10, lines 49-57:

FIG. 4 shows the contents of an entry 400 in database 300. In both the centralized flat and distributed flat implementations the keys (i.e., the TEK and KEKs) have associated version and revision numbers. Version and revision numbers are used in operation to maintain security relationships as described below. In the centralized flat implementation the version and revision number maintenance are performed by the centralized group key management component 120 and so this component is deemed to "own" the keys.

As this text illustrates, the keys have associated version and revision numbers that are used to maintain security and relationships. Again, these numbers are used for and by the keys and are not "commands to modify a drawing document" as expressly claimed in the present invention. Thus, contrary to the assertions in the Answer, Caronni completely fails to teach aspects of the present invention.

In response to similar arguments set forth in the Appeal Brief, the Answer merely ignores the Caronni's explicit definition and use of keys and revision information and concludes that "Caronni teaches a heartbeat command being transmitted in an attempt to keep a large number of sending and receiving participants up to date on the newest version of a distributed document... A key is used for this identification purposes, but the underlying purpose is of collaborative unity of a document" (see page 21 of the Answer). In this regard, the Answer admits that Caronni fails to teach the claimed heartbeat command and asserts that the purpose of Caronni's keys is similar to the purpose of the claimed invention. However, Appellants submit that such a rationale is not proper grounds for rejecting a claim. Again, the claim limitations are specific and whether or not a similar result is accomplished, is not the relevant analysis for establishing a prima facie case of obviousness. As set forth in the Appeal Brief and herein, Caronni clearly fails to teach, disclose, or suggest numerous different claim limitations.

The Answer further and at numerous different times asserts that one cannot show non-obviousness by attacking references individually where the rejections are based on a combination of references. While Appellants agree that one cannot show non-obviousness by attacking references

individually where the rejections are based on combinations of references, the claimed invention must also be examined as a whole and whether the "whole" claimed invention would have been obvious at the time of invention (see MPEP §2142). Further, Appellants are attacking the individual references for the grounds upon which they are relied upon. In other words, if the individual references fail to teach the limitations upon which they are relied upon, the rejection cannot be maintained. In addition, Appellants note that under MPEP 2141.01, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Further, under MPEP 2141.02, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Appellants further note that under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." In this regard, the various claim limitations relating to the heartbeat command and the content of the heartbeat command cannot merely be ignored and rejected based on an underlying purpose.

In view of the above, Appellants respectfully request reversal of the rejections and submit that the claims are in condition for allowance.

B. Dependent Claims 6, 15, 25, 34, 44, and 53

Appellants note that in response to the indication that none of the references describe XML in any manner, the Answer merely states that the use of XML is a design choice and XML is notoriously well known.

Again, under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed

invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." The rejections and Answer merely ignore the specific claim limitations, fail to provide a reference that describes the claim limitation, and summarily conclude that it would be notoriously well-known.

Appellants respectfully disagree. The mere use of XML is not what is claimed. Instead, the claim limitations provide for using XML for the heartbeat command. Such a teaching is wholly and entirely lacking from any of the cited references.

In view of the above, Appellants respectfully request reversal of the rejections.

C. Dependent Claims 10, 18, 29, 37, 48, and 56

In response to the arguments set forth in the Appeal Brief, the Answer provides that the claim can be interpreted to read as "an identifier, which an object in a drawing document that is modified, though this may encompass the entire document."

Firstly, what the interpretation means is unclear. In this regard, Appellants are confused as to what may encompass the entire document. Secondly, the claims are explicit and reads as follows:

"wherein the command specifies an object identifier for an object in the drawing document that is modified."

Accordingly, as explicitly set forth, the object identifier is "for an object in the drawing document that is modified".

The Answer continues and submits that Kumar teaches identifier number that track versions of documents (see page 24 of the Answer). However, such an identifier number is not for an object in a drawing document but instead (as stated in the Answer) is used to track versions of a document. A version is not an object in a drawing document. Again, the claims explicitly provide that the object is in the drawing document. A version is not in a drawing document.

The Answer then states that Kumar's teaching that a wrapper that lies over the actual drawing workspace (but can be made part of the workspace) shows the actual separation of

components in the drawing document. However, regardless of whether components in a drawing document can be separated, an object identifier for an object in the drawing document has not been shown or described in Kumar whatsoever.

The Answer continues and provides that Caronni teaches transferring revision information containing key Ids that describe the key that contains version and revision information. Appellants submit that such key information is completely irrelevant to the claim limitation relating to an object in a drawing document or an object identifier for such an object. The content of the keys is described above and is not even remotely similar to an object in a drawing document.

For the reasons stated above, Appellants respectfully request reversal of the rejections of these claims.

D. Dependent Claims 11, 19, 30, 38, 49, and 57

The Answer first interprets the claim limitation of "an extensible set of three dimensional modeling tools for modifying the drawing document is supported" as "a tool that modifies a three-dimensional drawing document". Firstly such an interpretation ignores that following claim limitations: a 3D modeling tool, a set of 3D modeling tools, and the set is extensible.

The Answer then states that Kumar shows changing a drawing document via a drawing tool, where the drawing document can be shown in a 3D view and therefore, if a user modifies the drawing with the drawing tool and then views it in a 3D view, the user has effectively modified the 3D representation of the document making the edit via a 3D modeling tool.

Such an interpretation is wholly without merit. Firstly, a set of tools is not shown whatsoever. Secondly, a modeling tool has a unique meaning and definition. The drawing merely shows the editing or use of a tool in a 2D environment and not a 3D environment. However, the use of a 3D modeling tool or a tool used on a 3D drawing is not displayed, shown, taught, or suggested in Kumar. The ability to first edit a drawing and then later view it in 3D does not describe a 3D-modeling tool. By the definition and use of the terms itself, a 3D modeling tool to modify the drawing document, describes a 3D tool and not a tool that is used to edit a drawing and then later viewing the drawing in 3D. Such an interpretation is far astray from the intended scope and plain

meaning of the claims.

II. CONCLUSION

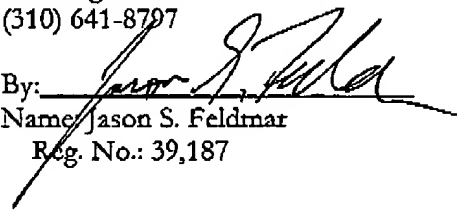
In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features that patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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Attorneys for Applicant(s)

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